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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,006	06/28/2001	Troy M. Herndon	8032988/JAS	9333
36521	7590	08/23/2004	EXAMINER	
MOSER, PATTERSON & SHERIDAN LLP/ SEAGATE TECHNOLOGY LLC 595 SHREWSBURY AVENUE SUITE 100 SHREWSBURY, NJ 07702			COMAS, YAHVEH	
			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

**Office Action Summary**

Application No.

09/896,006

Applicant(s)

HERNDON ET AL.

Examiner

Yahveh Comas

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 8-12 and 15-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-12 and 15-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

Claims 7, 13 and 14 were canceled.

Applicant's arguments filed 8/9/2004 have been fully considered but they are not persuasive.

Applicant argument regarding Dunfield doesn't showing a support base member having formed therein a first annular support member and a second annular support member that abut a first and a second portion of the stator is not persuasive since Dunfield disclose that the guide ring 40 is attached to, **or formed from** (emphasis added), motor base 52 (column 4, lines 20-22). Regarding the wire guide 40 of Dunfield doesn't abut or support a portion of the stator, Dunfield disclose the inner circumference 44 of retaining ring 40 is designed to fit over stator slots 66 (column 3, lines 25-29) for example as show in fig. 4 and fig. 5 where the wire guide 40 abut the outer part of the stator.

Therefore applicant arguments are not persuasive and the rejection of claims 1, 3, 5-12, 16 and 18-22 is sustained.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 3, 5-6, 8-10, 12, 16, and 18-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Dunfield et al. U.S. Patent No. 5,774,974.

Dunfield discloses a motor having a housing (2) having a support base member (52) having formed therein a first annular support member (56) and a second annular support member (40), a first annular support member (56) attached to said base (52) and coaxial with the central axis, a rotatable member (76), which is rotatable with respect to the shaft (56), and a stator (50) having a plurality of teeth, where each of the teeth is wound with a stator winding being supported by at least two support members (56 and 40) abutting said stator (50), wherein at least one (the wire guide 40) of said two support members (56 and 40) being slotted. The first (56) and second (40) support members are annular support members; both of them are solid and continuous rings. The first and second members are bonded to the stator by an adhesive (78) (See fig. 6). The first support member (56) supports an inner portion of the stator and a second support member (40) supports an outer portion of the stator (50).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

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were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claim 2, 4, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunfield et al. U.S. Patent No. 5,774,974 in view of Dunfield et al 5,694,268.

Dunfield '974 discloses the claimed invention except for the first support member being slotted. However, Dunfield '268 discloses a slotted support member, which retains an O-ring (80), in order to damp sympathetic vibrations in the stator structure to reduce the generation of acoustic noise in the storage device.

Therefore, it would have been obvious to one having skill in the art at the time the invention was made to provide a slotted first support member as disclosed by Dunfield '268 since this would have been desirable to damp sympathetic vibrations in the stator structure to reduce the generation of acoustic noise in the storage device.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yahveh Comas whose telephone number is (571)272-2020. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YC

A handwritten signature in black ink, appearing to read 'Karl Tamai', with a long horizontal stroke extending to the right.

KARL TAMAI  
PRIMARY EXAMINER